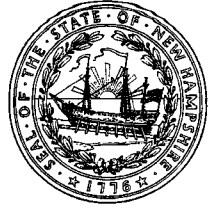




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

NOTICE OF PAST VIOLATION

June 2, 2006

Ms. Melodie Esterberg, P.E.
Commissioner of Public Works
City of Rochester
45 Old Dover Rd.
Rochester, New Hampshire 03867

Re: Unpermitted Discharge
Front Street and Cocheco Avenue
East Rochester, New Hampshire

Dear Mr. Willis:

The purpose of this Notice of Past Violation ("NOPV") is to put you, as the representative of the City of Rochester on notice of the violation that occurred in East Rochester, NH on March 13, 2006.

ISSUE

On March 17, 2006, personnel from the City of Rochester notified New Hampshire Department of Environmental Services, Wastewater Engineering Bureau (DES) that on March 13, 2006 they had been informed of a discharge of sewage from a stormwater outfall near the Front Street pump station. City personnel confirmed the report on March 14, 2006 and collected a sample of the discharge. According to City personnel the results from the E. coli analysis of the sample indicated that the discharge contained untreated sewerage. On March 17, 2006, city personnel rebuilt the diversionary structure and sealed the invert that had allowed the wastewater to flow into the stormwater outfall.

DES received Rochester's notification dated March 20, 2006. However, DES has additional questions concerning the discharge and we have tried, unsuccessfully, to contact Mr. Tom Willis to request additional information.

RESOLUTION

Given the City of Rochester's actions to abate the unpermitted discharge to surface water, DES is requiring the following, in lieu of pursuing resolution of this incident through an administrative fine:

1. Provide to DES **in writing** the following:
 - a. A map indicating the specific location of the discharge,
 - b. A drawing of the structure that caused the unpermitted discharge,
 - c. A detailed description of any similar diversionary structures and location of the diversionary structures in this area and throughout the City's sewer system that were installed to prevent sewage discharges from old combined stormwater and sewers,

- d. A description of preventative measures taken to eliminate future discharges from any of these diversionary structures,
- e. Analytical results of samples collected of the unpermitted discharge and/or the impacted surface water,
- f. A detailed timeline of Rochester's response to this discharge including how the city was notified, when the city was notified (date and time), when the city first investigated the discharge, and when samples of the discharge were collected,
- g. The bacterial analysis benchsheets for the discharge samples collected,
- h. An estimate of how much sewage was discharged, and
- i. A detailed description of what sewer cleaning activities occurred in January 2006 and where these activities occurred.


2. This information shall be provided to DES by June 20, 2006.

CONCLUSION

Please note that the City of Rochester is responsible for complying with all applicable federal and state requirements, whether found in statutes, rules or applicable permit(s) and this letter does not provide relief against any other existing or future violations. This applies to any person authorized by City of Rochester to dispose of waste material as well. DES expects that such an incident will not be repeated. Additional enforcement may be considered if requested information is not received by June 20, 2006.

If you have any questions regarding this Notice of Past Violation, please contact Margaret Bastien, P.E. at (603) 271-2755.

Sincerely,


John R. Bush, P.E.
Administrator
Wastewater Engineering Bureau

cc: Margaret Bastien, P.E., Compliance Coordinator, DES/WD/WWEB
Gretchen R. Hamel, Administrator-- DES Legal Unit
Joy Hilton, US EPA, Water Technical Unit
File DES/WD/WWEB

CERTIFIED MAIL/RRR: 7099 3400 0018 1294 3776